

**U.S. District Court
District of Connecticut (New Haven)
CIVIL DOCKET FOR CASE #: 3:18-cv-00440-AVC**

Reproductive Rights and Justice Project v. HHS
Assigned to: Judge Alfred V. Covello
Cause: 05:552 Freedom of Information Act

Date Filed: 03/14/2018
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Reproductive Rights and Justice Project

represented by **Cortelyou C. Kenney**
Yale Law School
127 Wall St.
New Haven, CT 06520
203-436-5830
Fax: 203-432-3034
Email: cortelyou.kenney@ylsclinics.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Priscilla Joyce Smith
Yale Law School RRJP Clinic
319 Sterling Place
Brooklyn, NY 11238
347-262-5177
Email: priscilla.smith@yale.edu
ATTORNEY TO BE NOTICED

V.

Defendant

Dept. of HHS
U.S.

represented by **Natalie Nicole Elicker**
U. S. Attorney's Office-CT
157 Church Street
24th Floor
New Haven, CT 06519
203-821-3700
Fax: 203-773-5373
Email: natalie.ellicker@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/14/2018	<u>1</u>	COMPLAINT against Dept. of HHS (Filing fee \$400 receipt number ACTDC-4755149.), filed by Reproductive Rights and Justice Project. (Attachments: # <u>1</u> Exhibit FOIA Request, # <u>2</u> Exhibit FOIA Acknowledgment, # <u>3</u> Exhibit Narrowed Request, # <u>4</u> Exhibit Correspondence, # <u>5</u> Exhibit Further Correspondence)(Kenney, Cortelyou) (Entered: 03/14/2018)
03/14/2018	<u>2</u>	AMENDED COMPLAINT against Dept. of HHS, filed by Reproductive Rights and Justice Project. (Attachments: # <u>1</u> Exhibit FOIA Request, # <u>2</u> Exhibit FOIA Acknowledgment, # <u>3</u> Exhibit Narrowed Request, # <u>4</u> Exhibit Correspondence, # <u>5</u> Exhibit Further Correspondence, # <u>6</u> Corporate Disclosure Statement, # <u>7</u> Civil Cover Sheet)(Kenney, Cortelyou) (Entered: 03/14/2018)
03/14/2018		Request for Clerk to issue summons as to Dept. of HHS. (Kenney, Cortelyou) (Entered: 03/14/2018)
03/14/2018	<u>3</u>	Corporate Disclosure Statement by Reproductive Rights and Justice Project. (Walker, J.) (Entered: 03/15/2018)

03/14/2018		Judge Alfred V. Covello added. (Anastasio, F.) (Entered: 03/15/2018)
03/14/2018	<u>4</u>	ELECTRONIC FILING ORDER – PLEASE ENSURE COMPLIANCE WITH COURTESY COPY REQUIREMENTS IN THIS ORDER. Signed by Judge Alfred V. Covello on 3/14/2018.(Bozek, M.) (Entered: 03/16/2018)
03/16/2018	<u>5</u>	NOTICE TO COUNSEL/SELF–REPRESENTED PARTIES : Counsel or self–represented parties initiating or removing this action are responsible for serving all parties with attached documents and copies of <u>3</u> Corporate Disclosure Statement filed by Reproductive Rights and Justice Project, <u>1</u> Complaint, filed by Reproductive Rights and Justice Project, Request to Issue Summons, <u>2</u> Amended Complaint, filed by Reproductive Rights and Justice Project, and <u>4</u> Electronic Filing Order. Signed by Clerk on 3/16/2018.(Bozek, M.) (Entered: 03/16/2018)
03/16/2018	<u>6</u>	ELECTRONIC SUMMONS ISSUED in accordance with Fed. R. Civ. P. 4 and LR 4 as to *Dept. of HHS* with answer to complaint due within *30* days. Attorney *Cortelyou C. Kenney* *Yale Law School* *127 Wall St.* *New Haven, CT 06520*. (Bozek, M.) (Entered: 03/16/2018)
03/29/2018	<u>7</u>	SUMMONS Returned Executed by Reproductive Rights and Justice Project. All Defendants. (Attachments: # <u>1</u> Affidavit Affidavit of Service)(Kenney, Cortelyou) (Entered: 03/29/2018)
03/30/2018	<u>8</u>	MOTION for Attorney(s) Priscilla J. Smith to be Admitted Pro Hac Vice (paid \$75 PHV fee; receipt number ACTDC–4775847) by Reproductive Rights and Justice Project. (Attachments: # <u>1</u> Affidavit)(Kenney, Cortelyou) (Entered: 03/30/2018)
04/02/2018	<u>9</u>	ORDER granting <u>8</u> motion to appear pro hac vice. Certificate of good standing due on or before 6/1/2018. Signed by Judge Alfred V. Covello on April 2, 2018. (Kontyko, K.) (Entered: 04/02/2018)
04/19/2018	<u>10</u>	NOTICE of Appearance by Priscilla Joyce Smith on behalf of Reproductive Rights and Justice Project (Smith, Priscilla) (Entered: 04/19/2018)
04/23/2018	<u>11</u>	ANSWER to <u>2</u> Amended Complaint, with Affirmative Defenses. by Dept. of HHS.(Elicker, Natalie) (Entered: 04/23/2018)
04/23/2018	<u>12</u>	NOTICE of Appearance by Natalie Nicole Elicker on behalf of Dept. of HHS (Elicker, Natalie) (Entered: 04/23/2018)
04/26/2018	<u>13</u>	First MOTION for Leave to Appear Law Student Appearance <i>Julia Coppelman</i> Attorney Priscilla J. Smith. by Reproductive Rights and Justice Project. (Smith, Priscilla) (Entered: 04/26/2018)
04/26/2018	<u>14</u>	Second MOTION for Leave to Appear Law Student Appearance <i>Becca Steinberg</i> Attorney Priscilla J. Smith. by Reproductive Rights and Justice Project. (Smith, Priscilla) (Entered: 04/26/2018)
04/27/2018	<u>15</u>	ORDER granting <u>13</u> motion to appear as a law student intern. Signed by Judge Alfred V. Covello on April 27, 2018. (Kontyko, K.) (Entered: 04/27/2018)
04/27/2018	<u>16</u>	ORDER granting <u>14</u> motion to appear as a law student intern. Signed by Judge Alfred V. Covello on April 27, 2018. (Kontyko, K.) (Entered: 04/27/2018)
05/18/2018	<u>17</u>	CERTIFICATE OF GOOD STANDING re <u>8</u> MOTION for Attorney(s) Priscilla J. Smith to be Admitted Pro Hac Vice (paid \$75 PHV fee; receipt number ACTDC–4775847) by Reproductive Rights and Justice Project. (Smith, Priscilla) (Entered: 05/18/2018)
06/28/2018	<u>18</u>	Joint STATUS REPORT <i>Proposed Schedule</i> by Reproductive Rights and Justice Project. (Smith, Priscilla) (Entered: 06/28/2018)
08/21/2018	<u>19</u>	Joint STATUS REPORT by Reproductive Rights and Justice Project. (Smith, Priscilla) (Entered: 08/21/2018)
11/29/2018	<u>20</u>	Joint STATUS REPORT <i>Proposed Scheduling Order</i> by Dept. of HHS. (Elicker, Natalie) (Entered: 11/29/2018)
01/22/2019	<u>21</u>	SCHEDULING ORDER: discovery due by 3/14/2019; dispositive motions due by 4/19/2019; trial brief due by 5/17/2019; joint trial memorandum due by 6/27/2019. The

		case shall be ready for trial by 7/18/2019. Signed by Judge Alfred V. Covello on 1/22/19. (Hall, Gregory) (Entered: 01/22/2019)
01/25/2019	<u>22</u>	AMENDED SCHEDULING ORDER: discovery due on or before 3/14/19; dispositive motions due on or before 4/19/19; trial brief due on or before 5/17/19. The case shall be ready for trial on or before 6/27/19. Signed by Judge Alfred V. Covello on 1/25/19. (Hall, Gregory) (Entered: 01/25/2019)
02/04/2019	<u>23</u>	Joint STATUS REPORT by Dept. of HHS. (Elicker, Natalie) (Entered: 02/04/2019)
03/13/2019	<u>24</u>	Consent MOTION for Extension of Time until 4/13/19 <i>for</i> Production Deadline by Dept. of HHS. (Elicker, Natalie) (Entered: 03/13/2019)
03/14/2019	25	ORDER granting <u>24</u> motion for extension of time. The scheduling order is hereby amended as follows: production of responsive, non-exempt records due on or before 4/13/19; dispositive motions due on or before 5/19/19; trial brief due on or before 6/16/19. The case shall be ready for trial on or before 7/27/19. Signed by Judge Alfred V. Covello on 3/14/19. (Hall, Gregory) (Entered: 03/14/2019)
03/14/2019		Reset Deadlines per 25 Order: Dispositive Motions due by 5/19/2019. Trial Brief due by 6/16/2019. Trial Ready Date 7/27/2019. (Bozek, M.) (Entered: 03/15/2019)
05/15/2019	<u>26</u>	Consent MOTION for Extension of Time until 6/3/2019 for production of search declaration and Vanghn Index, and for other modification of the scheduling order by Dept. of HHS. (Elicker, Natalie) (Entered: 05/15/2019)
05/20/2019	27	ORDER granting <u>26</u> motion for extension of time. The scheduling order is hereby amended as follows: defendant's production of search declarations and Vaughn indices due by 6/3/19; plaintiff's notification of non contested matters due by 6/24/19; dispositive motions due by 7/24/19; trial brief due by 8/16/19. The case shall be ready for trial by 9/27/19. Signed by Judge Alfred V. Covello on 5/20/19. (Hall, Gregory) (Entered: 05/20/2019)
05/20/2019		Reset Deadlines per 27 Order: Dispositive Motions due by 7/24/2019. Trial Brief due by 8/16/2019. Trial Ready Date 9/27/2019. (Bozek, M.) (Entered: 05/24/2019)
07/19/2019	<u>28</u>	Consent MOTION for Extension of Time until 8/7/2019 <i>to file</i> dispositive motions by Dept. of HHS. (Elicker, Natalie) (Entered: 07/19/2019)
07/22/2019	<u>29</u>	Consent MOTION for Extension of Time until 8/23/2019 for defendant's summary judgment motion, and other modification of the scheduling order as described by Dept. of HHS. (Elicker, Natalie) (Entered: 07/22/2019)
07/23/2019	30	ORDER granting in part and denying in part <u>28</u> motion for extension of time; granting in part and denying in part <u>29</u> motion for extension of time. The scheduling order is hereby amended as follows: dispositive motions due by 8/23/19; trial brief due by 9/20/19. The case shall be ready for trial by 10/18/19. Signed by Judge Alfred V. Covello on 7/23/19. (Hall, Gregory) (Entered: 07/23/2019)
07/23/2019		Reset Deadlines per 30 Order: Dispositive Motions due by 8/23/2019. Trial Brief due by 9/20/2019. Trial Ready Date 10/18/2019. (Bozek, M.) (Entered: 07/24/2019)
08/23/2019	<u>31</u>	MOTION for Summary Judgment by Reproductive Rights and Justice Project.Responses due by 9/13/2019 (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Material Facts, # <u>3</u> Affidavit Declaration of Faren M. Tang, # <u>4</u> Exhibit Ex. A, # <u>5</u> Exhibit Ex. B, # <u>6</u> Exhibit Ex. C, # <u>7</u> Exhibit Ex. D, # <u>8</u> Errata Ex. E, # <u>9</u> Exhibit Ex. F, # <u>10</u> Exhibit Ex. G, # <u>11</u> Exhibit Ex. H, # <u>12</u> Exhibit Ex. I, # <u>13</u> Exhibit Ex. J, # <u>14</u> Exhibit Ex. K, Cont. Doc. 1, # <u>15</u> Exhibit Ex. L, Cont. Doc. 2, # <u>16</u> Exhibit Ex. M, Cont.Doc. 3, # <u>17</u> Exhibit Ex. N, Cont. Doc. 4, # <u>18</u> Exhibit Ex. O, Cont. Doc. 5, # <u>19</u> Exhibit Ex. P, Cont. Doc. 6, # <u>20</u> Exhibit Ex. Q, Cont. Doc. 7, # <u>21</u> Exhibit Ex. R, Cont. Doc. 8, # <u>22</u> Exhibit Ex. S, Cont. Doc. 9, # <u>23</u> Exhibit Ex. T, Cont. Doc. 10, # <u>24</u> Exhibit Ex. U, Cont. Doc. 11, # <u>25</u> Exhibit Ex. V, Cont. Doc. 12, # <u>26</u> Exhibit Ex. W, Cont. Doc. 13, # <u>27</u> Exhibit Ex. X, Cont. Doc. 14, # <u>28</u> Exhibit Ex. Y, Cont. Doc. 15, # <u>29</u> Exhibit Ex. Z, Cont. Doc. 16, # <u>30</u> Exhibit Ex. AA, Cont. Doc. 17, # <u>31</u> Exhibit Ex. BB, Cont. Doc. 18, # <u>32</u> Exhibit Ex. CC, Cont. Doc. 19, # <u>33</u> Exhibit Ex. DD, Cont. Doc. 20, # <u>34</u> Exhibit Ex. EE, Cont. Doc. 21)(Smith, Priscilla) (Entered: 08/23/2019)

08/23/2019	<u>32</u>	MOTION for Summary Judgment by Dept. of HHS. Responses due by 9/13/2019 (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Material Facts, # <u>3</u> Exhibit List, # <u>4</u> Exhibit A – M. Marquis Decl. & attachments, # <u>5</u> Exhibit B – Vaughn Index (operative), # <u>6</u> Exhibit C – N. Elicker Decl. & attachments, # <u>7</u> Exhibit Contested Records, Exhibits 1–21)(Elicker, Natalie) (Entered: 08/23/2019)
09/13/2019	<u>33</u>	MOTION for Leave to Appear Law Student Appearance of <i>Erica Chae</i> by Reproductive Rights and Justice Project. (Smith, Priscilla) (Entered: 09/13/2019)
09/13/2019	<u>34</u>	MOTION for Leave to Appear Law Student Appearance of <i>Eugene Kim</i> by Reproductive Rights and Justice Project. (Smith, Priscilla) (Entered: 09/13/2019)
09/13/2019	<u>35</u>	Memorandum in Opposition re <u>32</u> MOTION for Summary Judgment filed by Reproductive Rights and Justice Project. (Attachments: # <u>1</u> Statement of Material Facts Local Rule 56(a)(2) Statement)(Smith, Priscilla) (Entered: 09/13/2019)
09/16/2019	<u>36</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>31</u> MOTION for Summary Judgment until 9/20/2019 by Dept. of HHS. (Elicker, Natalie) (Entered: 09/16/2019)
09/16/2019	<u>37</u>	ORDER granting <u>36</u> consent motion for extension of time for the defendant to file a response/reply to the plaintiff's <u>31</u> motion for summary judgment, nunc pro tunc. The time for the the defendant to respond is hereby extended to and including September 20, 2019. Signed by Judge Alfred V. Covello on 9/16/2019. (Sondergeld, C.) (Entered: 09/16/2019)
09/16/2019		Reset Deadlines as to <u>31</u> MOTION for Summary Judgment . Responses due by 9/20/2019. See 37 Order. (Bozek, M.) (Entered: 09/17/2019)
09/17/2019	<u>38</u>	ORDER granting <u>33</u> motion for leave of law student, Erica Chae, to appear, by Attorney Priscilla Smith on behalf of Reproductive Rights and Justice Project. Signed by Judge Alfred V. Covello on 9/17/2019. (Sondergeld, C.) (Entered: 09/17/2019)
09/17/2019	<u>39</u>	ORDER granting <u>34</u> motion for leave of law student, Eugene K. Kim, to appear, by Attorney Priscilla Smith on behalf of Reproductive Rights and Justice Project. Signed by Judge Alfred V. Covello on 9/17/2019. (Sondergeld, C.) (Entered: 09/17/2019)
09/19/2019	<u>40</u>	RESPONSE re <u>32</u> MOTION for Summary Judgment by Dept. of HHS. (Elicker, Natalie) (Entered: 09/19/2019)
09/19/2019	<u>41</u>	EXHIBIT by Dept. of HHS. (Elicker, Natalie) (Entered: 09/19/2019)
09/27/2019	<u>42</u>	REPLY to Response to <u>32</u> MOTION for Summary Judgment filed by Dept. of HHS. (Elicker, Natalie) (Entered: 09/27/2019)
10/03/2019	<u>43</u>	REPLY to Response to <u>31</u> MOTION for Summary Judgment filed by Reproductive Rights and Justice Project. (Smith, Priscilla) (Entered: 10/03/2019)
10/04/2019	<u>44</u>	Notice of Additional Authority re <u>31</u> MOTION for Summary Judgment , <u>32</u> MOTION for Summary Judgment filed by Dept. of HHS. (Elicker, Natalie) (Entered: 10/04/2019)
10/08/2019	<u>45</u>	RESPONSE re <u>44</u> Notice of Additional Authority by Reproductive Rights and Justice Project. (Smith, Priscilla) (Entered: 10/08/2019)